

**In the United States District Court  
for the Southern District of Georgia  
Waycross Division**

LOVIE McVEIGH,

Plaintiff,

v.

CV 5:23-107

DOYLE WOOTEN, JEREMY ANDERSON,  
KYLE SPIVEY, and DOVIE HART,

Defendants.

**ORDER**

Plaintiff Lovie McVeigh initiated this action in the Superior Court of Coffee County on November 1, 2023. See Dkt. No. 1-1 at 1. On December 5, 2023, Defendants Doyle Wooten, Jeremy Anderson, Kyle Spivey and Dovie Hart removed the case to this Court. Dkt. No. 1. Then, on December 6, 2023, Defendants timely moved to dismiss the complaint. Dkt. Nos. 4, 5. On December 22, 2023, Plaintiff filed an amended complaint. Dkt. No. 11. For the reasons below, Defendants' motions to dismiss are **DENIED as moot**.

**LEGAL STANDARD**

A party may amend its pleading once as a matter of course "within 21 days after serving it" or, "if a responsive pleading is required, within 21 days after service of a responsive pleading or motion under Rule 12(b), (e), or (f) [of the Federal Rules of Civil Procedure], whichever is earlier." Fed. R. Civ. P. 15(a)(1). An

amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

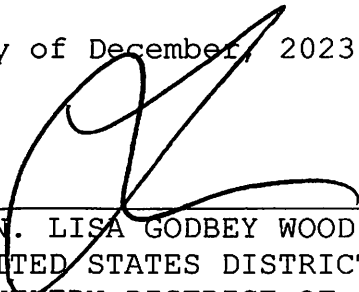
#### **DISCUSSION**

Plaintiff timely filed her amended complaint as a matter of course pursuant to Rule 15(a)(1). Further, Plaintiff's amended complaint supersedes her original complaint. Defendants' motions to dismiss the original complaint, dkt. nos. 4, 5, have thus been rendered moot by Plaintiff's filing of her amended complaint. Should Defendants wish to renew their motions to dismiss with regard to the amended complaint, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

#### **CONCLUSION**

Defendants' motions to dismiss the original complaint, dkt. nos. 4, 5, are **DENIED as moot**.

**SO ORDERED**, this 27 day of December, 2023.

  
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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA